

RR
18.1.47 *W. L. M.* *Mysore Residency*

Pros. Nos. 1-14
Serial

141

Subject.

Allowance of Rs 20 to the Nazir of the Civil and Sessions Court to be paid from the receipts of the process fees collected in that court.

Previous References.

Later References,

Regr. No.

1885.

RESIDENT'S OFFICE.

~~Proceedings~~

File No. 554 of 1885

List of References.

From *The C. H. Judge*

No. 1652.

Dated 13. Oct. 85

Received 15th Oct. 85

C. & G. S. S.

Enc.

Spare copies.

Subject.

*Application from
the Magistrate C. & S. Court
for an allowance of
Rs. 20/- p. m.*

Notes and orders.

*The C. H. Judge in sub.
mitting an application from
his Magistrate for an allow-
ance of Rs. 20/- p. m. to his pay of
Rs. 75/- in consideration of
his being deprived of Com-
mission on Court Sales, observes
that when the said Process
Rules were promulgated
by the Ch. Comm. in Kotlipur.
On No. 261 of 10 Aug. 80, it
was provided by Rule 6
that whenever the State of
funds permitted, an al-
lowance, not exceeding
Rs. 20/- p. m. might be assigned*

by

by the Judge to the Nazim
for Superintendent of the Service and
execution of all processes.

2. The Nazim of the C. I. S. Court

Serial No. 1 and 2.

addressed Col. Thomson on
this subject and Col. I said
in reply, that he w^d have for

Serial No. 6.

warded the petition; only kept
it back till the C. I. S. Court
was separated from the Chief
Court so that any indulgence
conceded to the petitioner
might not form a precedent
for the future in Mysore.

3. When Col. Clarke was acting
C. I. S. Judge the Nazim again
brought forward his appeal,
Col. Clarke endorsed the ap-
plication as follows:—

Serial No. 5.

"I presume Col. Thomson w^d
have sub^d the application made
to him if he thought there was
ground for doing so. As the Nazim
has an Assistant, I have reason
for doubting whether an ap-
plication w^d be favorably rec^d."

He always had an
Act it seems
The

4. Col. Kille the present C. I. S.
Judge requests that the Nazim's
application be as favorably
considered.

Para 6

5. He states that the duties of
the post are onerous & of a

responsible nature.

6 The Fees during the year 1884 amounted to Rs. 72451. 6. 9 and the Disbursements to Rs. 60253. 8. 10.

7 The Rovers Fees aggregate Rs. 3474. p. a. aft. an expenditure of Rs. 960. leaving a Balance of Rs. 2514. It shows that the condition of the funds permit of the allowance asked for being granted (See para 1/8).

Serial No 8

8 The Kazir in the Sudder Cause Court at Madras gets no remuneration, and his pay is Rs. 70, he does not supervise the Cash transactions, for wh. a special Officer is appointed, the Court Sales are conducted by a European Bailiff sworn brother and appraiser and he is allowed a commission of $6\frac{1}{4}\%$ per Cash.

Serial No 7

9 The Kazir in the C. & S. Court states in his application that when he was transferred to the C. & S. Court, he was allowed to draw the Commission on Sales and this amount on an average to Rs. 50 ^{monthly} this Commission was withdrawn under order of the Ch. Court. Cir: No 49 of 28 Dec '82.

10. The Nazim T.C. Inshasawmykilling has fifteen years Service and has held his present post for the last three years and a half to the satisfaction of the several Officers who have presided over the Court, as his Service Register testifies.

11. Submitted for Consideration.

4/23.10.85.

12. This will have to go up to Gov^t of India for sanction of Resident's order to recommend the allowance.

Resident

J.H.L.

30.10.85.

13. I see that the rules, on No 6 of wh. the C & S. Ind. rules have been sanctioned by the S. J. in C (see preamble to the rules). Funds admit of the charge. So why need we make a reference to the S. J. 2? If such reference is necessary, please prepare detailed draft, forwarding copy of the application, C.R. Hill's covering letter. Otherwise if we have the power, let the application be accorded to outright.

J

31.10.85.

14. Submit draft stating that the rules have been sanctioned by the G. G. in C. but that with reference to the Civil Account Code Vol II. Chap 33 Sect 5 para 7. the Off. Res^t. solicits the sanction of the Gov^t of India for the Nazim's allowance

J.H.L.

4.11.85

responsible nature.

6 The Fees during the year 1884 amounted to Rs. 72451. 6. 9 and the Disbursements to Rs. 60253. 8. 10.

7 The Rocers Fees aggregate Rs. 3474. p. a. aft. an expenditure of Rs. 960. leaving a Balance of Rs. 2514. It shows that the condition of the funds permit of the allowance asked for being granted (See para 1/8.

Serial No 8

The Magistrate in the Local Cause Court at Madras gets no remuneration, and his pay is Rs. 70, he does not supervise the Court transactions, for which a special Officer is appointed, the Court Sales are conducted by a European Bailiff sworn brother and appraiser and he is allowed a commission of 6 1/4 per cent.

Serial No 7

9. The Magistrate in the C. & S. Court states in his application that when he was transferred to the C. & S. Court, he was allowed to draw the Commission on Sales and this amount on an average to Rs. 50/- ^{monthly} this Commission was withdrawn under order of the Ch. Court. Cir: No 498 of 28 Dec 82.

14. Dft. submitted accordingly.
A search has been made
in this office for the records
of the Govt. of India. Since
transferring the Rules for fees
for Service Proceedings as the
papers were not forthcoming
here a Requisition was
sent on to the Secy's
office. Office has not been
able to get them from
there either so to prevent
further delay the Dft. below
is submitted.

18.11.85

Resident

JRU

G

19.11.85.

19.11.85

15. Issue.

JRU

19.11.85

16. Draft issued letter to the
Secretary to the Govt. of India
Foreign Department No 2326
dated 19th November 1885.

Serial No 10.

~~17. No reply has been received.
Draft remains submitted
for approval.~~

JRU

4.1.86.

Serial No 11

17. Letter No 4201 of 31 Dec 1885
from the Junior Under Secy to the
Government of India

Under the rules sanctioned in letter N^o 352 I. J. & 30th Dec. 1879, from the Foreign Office, the Resident, as Deputy Commissioner, is competent to sanction the allow^{ce} in question.

18. The L. O. observes that the question is not one that can be referred under the authority quoted in the above paragraph, for the consideration of the Govt. of India; that the provisions of Sec. 5. Clause 7 Chap. 33 of the C. A. Code (para 14 of this vol.) do not apply to allowances admissible under a rule already authorised by the Govt. of India, but only to allowances from Provincial revenues granted by a local Govt. on its own responsibility.

19. The L. O. Letter N^o 352 I. J. & 30th Dec. 1879 is not forthcoming in this Office, nor in the Dewan's before doing anything more in this case may Mr. Forbes be asked to telegraph to favour this Office with a copy?

By 12.1.86.

Issue deferred telegram 9.1.86

Telegram issued - N^o 62 & 13.1.86

Serial N^o 12

20. With Letter N^o 209 I. J. 18. January '86 the Under Secy, Govt. of India, F. O. forwards a copy of Foreign Dept. Letter N^o 352 I. J. Serial N^o 13A

8L. 13. RO. With letter No. 2099 dated 18th Jan 80 the
Under Secy (Confirmation of Note on Decree), F. O. forwards a copy
of Foreign Department letter No. 352 dated
8. 30. December 1879. This Office
telegraphed for para 19.

Serial N. 13 B. 21 His letter sanctioned the rules
the then Ch. Commissioner of Mysore
proposed to issue under Section
20 and 22 of Act N. VII of 1870
(the Court Fees Act). Referring to
these Rules, the F. O. State that
the Resident as Judicial Commr.
is competent to sanction the
allowance solicited by the
Magistrate in the C. & S. Court.
Rule 6 runs thus: - "The establishment
of Amins and Peons, and the ser-
vice and execution of all pro-
cesses shall be subject to the
superintendence of the Magistrate of
each Court, and it shall be law-
ful to the Judicial Commissioner
where the state of the funds permit
to assign an allowance not
exceeding Rs. 20/- per mensem,
to such Magistrate, as remunera-
tion for his superintendence".

22. In para 13 of this note the
Resident said "if we have the
power, let the application be
accorded to outright".

23. The case is submitted for
final orders, as to date frame

8

which the allowance may be drawn

A. 3.2.86.

24. The remuneration monthly of Rs. 20 may be sanctioned from 1. Feb.

Resident. J. H. C.
10-2-86 25. 11-2-86.

Napoklu.

26. Submit draft & fair to Maj. Jett.

J. H. C.

11-2-86.

27. Aft & fair submitted. —
J. H. C. 13/2. M. H. C.

28. Issue. J. H. C. 15-2-86 — Rec? 18-2-86. A. J.

29. Proceedings issued to the Civil Sessions Judge, B. H. in station and the Accountant General, Madras. No. 354 of 1886. July 1886.

Sl. No. 14

30. Letter No. 741 dated 13th April 1886 from the Civil and Sessions Judge, B. H. station of Bangalore.

Sl. No. 15.

In the above letter, the Civil and Sessions Judge requests the return of the Service Register of the Nazir of his Court, forwarded to this office with his letter No. 1652 dated 13th October 1885.

Sl. No. 9

31. Draft returning the Service Register submitted for approval.

A. J. 17-4-86. A. J. 19.4.86.

J. H. C. 20/4.

32. Letter to the Civil and Sessions Judge,
64 In station, issued, C P 4674 ⁵⁸⁴⁵ dated
20th April 1886. bB.

Colonel H. G. Thomson

Civil and Session Judge

Civil & Military Station

Dangal

Honored Sir,

I beg to bring to your honor
notice that there is a provision
made under para 6 of the
Process Rules dated 10 January
1880 for payment of an allowance
not exceeding Rs 20 to magistrates
in consideration of heavy
work devolving upon them
in superintending the process
serving Estates &c.

The intention of the rule was
that the above allowance
should be sanctioned in
addition to the Commission
allowed on Court fees

2 Since the passing of the

Commission of
3 annas
5 pems.

amounts
which ~~are~~ mark RSD
a month on an average.

Stay to remain
 Honored as
 your. Just old demand
 Whakaruinga
 hōio.

Pangloss
21. March
1883

1862. 5772 Interest from the Cont.
 1863. 5323 Interest from the Cont.
 1864. 6070 Interest from the Cont.
 1865. 6583 Interest from the Cont.
 1866. 7008 Interest from the Cont.

From the Process Fund
 Feb 1882 ~~the receipt from~~
~~Sum of \$1000.00~~
 Stamp fees collected ^{will} Rs 3342-4-0
 Cost of Establs burnt 954-14-0
 Lt. Ranney, 2387-6-0

Mr 1883
~~Amalgamated Press~~
 The receipt for collected
 of Establishment 941-7-4
 2992-4-8

To

Colonel H. G. Thomson

Civil and Session Judge

Civil and Military Station

Bangalore

Honored Sir,

I beg to bring to your honor's notice that there is a provision made under para 6 of the Process Rules dated 10th January 1880 for payment of an allowance not exceeding Rs 20 to Nazis, in consideration of heavy work devolving upon them in superintending the process serving establishment, consisting of 3 Amris and 5 Pers. The intention of the rule was that the allowance should be sanctioned in addition to the Commission allowed on Court.

2. Since the passing of the Circular No 49 dated 28th December 1882, Commission on Court rates, which amounted to Rs 50 a month on an average, has been discontinued and thus the emolument attached to the post of Nazi has been reduced to the bare salary of Rs 70. In 1882 there were 5772 processes issued for
557 received from other

Total 6329

In 1883 there were 6375 processes issued from the
+ 633 received from other
Total 7008

3. In consideration of the heavy duties which I have to discharge as Magist and the large sum of Rs 1000 deposited by me as security I respectfully beg that your honor will be pleased to recommend the grant of an allowance of Rs 20 per month from the Process Fund as there is a net. of Rupees 2387-6-4 from the Process Fund. In 1882 the receipts from stamp fees collected were Rs 33

Cost of Establishment	95
<u>Total savings</u>	<u>2387</u>

In 1883 the receipts from stamp fees collected were Rs 393
 & the cost of Establishment was 94
Total savings 2992

For which act of kindness I shall be
 in duty bound Ever Truly

Pungalore
 12 May 1884

Yr. to remain
 Honored Sir
 Yours Most Obedt Servt
 J. Mahasanyam
 Magist

3

IN THE CHIEF COURT OF MYSORE.
Civil Side.

Circular Letter No. 49, dated 28th December 1882.

To

ALL CIVIL JUDGES.

SIR,

I am directed to state that the Civil Rule of Practice No. 36, dated 17th March 1881, regulating the practice of the Courts in regard to the commission allowed to the Officer conducting sales, has been cancelled from 1st January 1883, and that in future no such commission will be allowed.

21
/

I have the honor to be,
Sir,
Your most Obedient Servant.

S. HAMAJEE ROW,
Registrar.

Mysore Government Press, Bangalore.—15-1-83—100.

IN THE COURT OF THE JUDICIAL COMMISSIONER OF MYSORE AND COORG.

Civil Side.

Rule of Practice No. 36, dated 17th March 1881.

In modification of the rates of commission prescribed by the Rule of Practice No. 17 (Civil Side), dated 19th March 1879, the Judicial Commissioner directs that the commission allowed to the officer conducting the sale shall for the future be calculated as follows, viz :—

Where the proceeds of sale do not exceed Rs. 500. ..	Three per cent.
Where they exceed Rs. 500 and do not exceed Rupees 5,000. ..	Three per cent on the first Rs. 500 and 2 per cent on the remainder.
Where they exceed Rs. 5,000. ..	At the above rate on the first Rs. 5,000 and 1 per cent on the remainder.

J. D. SANDFORD,
Judicial Commissioner.

Mysore Government Press, Bangalore.-29-3-81—200.

I enclose Col
Munson's letter
submitted to applied
made him apply
how Kettle has been
paid \$4000 per year
Baptist church
Civil Service
Circuit Court
The Census
District or
Blacksburg
advised:-
Judge
Military Station
Dungannon

19/11/86

2

Honored Sir,

I respectfully beg to bring to
your honors notice the following
circumstances and beg to be
pardoned for the intrusion.

I beg to state that prior to my appointment as Magistrate in this office I was employed in the Chief Court of Mysore on a salary of Rs 50 and that when the appointment was offered I accepted it as there was Commission attached to it.

I beg to state that when the Commission was stopped I presented my hardship to Colonel Thomson who was pleased to say that he would submit the application for consideration to Mr Plummer.

I beg to state that the changes
in jurisdiction and the preparation
of the ~~state~~ state, small cause
accounts afforded no opportunity
to push on my case further.

I therefore beg to submit
the same for your honor's kind
orders.

For which act of kindness
I shall be under duty bound
ever pray for your honor's long
life and prosperity

I beg to remain
Honored Sir

Pungalam } Yours most attached servant
December } S. Muthusamy Reddy
1884 }

Delhi ⁵
24th June 1885

Nazir

I would have forwarded your petition for an allowance from the process fund to be granted to you in lieu of the percentage on sales formerly given but I kept back the papers till the Civil & Muz. station was separated from the Chief Court: so that any indulgence conceded to you might not be taken as a precedent for the Courts in Mysore.

There is, I think, some provision in the Process rules for an allowance such as you

7
To,

Colonel: W. Hill.

Civil, and Sessions Judge,
Civil, and Military Station,
Bangalore.

Honored Sir,

I respectfully beg to submit the following
circumstances for your honors kind and generous consideration.

I beg to state that when I was transferred as Nazir
to this Court, I was, allowed the privilege of drawing per
centage, on sales and this amounted to an average Rs. 50/-
that this, additional, emolument to my pay was the only
inducement to my, accepting the appointment, that when
the Commission was withdrawn I represented to Colonel. H. G.
Thomson the hardship of my case, that, according to the rules
framed under sections 20 & 21 of the Court Fees Act, and sanctioned
by the Government of India, provision is made for the allowance
of 20 Rupees to Nazir for superintending the Process Establishment
from the Process Fund, that I may be recommended for an
allowance, at least, considering the disadvantages of my
position after the withdrawal of the Commission that Colonel
Thomson's departure to England and the constant changes
in the presiding judges of the Court prevented me from
urging my claim, that after his return from England
I requested him to consider my application, that after
perusing my application, he wanted certain information,
that this has occupied some time, that before presenting
the petition with the required information there was a
rumour that the Chief Court of Mysore would cease
jurisdiction, over the Courts in the Civil and Military Station,
that

that, changes in jurisdiction prevented Colonel. Thomson at once from submitting my claim for the allowance, that in the meantime the accounts of the late Small Cause Court were so irregularly kept that Colonel. Thomson after repeated orders to get it done in the office was obliged to direct me to make up the accounts. that this has occupied about Eight Months, that this work afforded no opportunity to represent my circumstances, that these accounts were completed, after great exertion, on my part on the 23rd November 1884, that the papers relating to my Commission were thus left in the back ground, that I presented to Colonel. Clarke the papers as soon as he took charge and as there was nothing on record, he passed an order that he presumed that Colonel. Thomson would have recommended me for the allowance and in the absence of such recommendation he had doubts for forwarding my application, that I forwarded the papers, and requested Colonel. Thomson to favor me with his opinion; that, after the receipt of the letter I presented myself personally to Colonel. Clarke while officiating as Resident, when he said that the application should be made to the Civil Judge Mr. Rees, that I presented my circumstances to Mr. Rees who was pleased to say that he had no objection to forward my application but, as he was going away in a day or two that my papers may be shown to Mr. Martindale who was with him at the time, that Mr. Martindale, after looking into the papers was kind enough to suggest that after the return of the permanent Judge of the Court my papers might be submitted, that I beg to state that my papers may be looked into and the allowance I crave may be allowed from the date of the transfer at least of the jurisdiction of the Chief Court to the Resident's Court. I beg to add that I have in more

than

than, ~~once~~ way suffered loss, and that my work in the office is very heavy.

I have worked zealously, and faithfully as will be seen from the remarks in my service Register in hopes that, due reward will follow but as I am not so fortunate in way of promotion. I beg that the allowance promised may be granted by your kind recommendation.

I beg to remain,

Honored Sir,

Your Most Obedient Servant,

H. Mukherjee
Kazir.

Dumyala
July 1885

23.4.05- 1987
will register application
we have with submitted
in before committee
this will
be made about
with 4-10-12
Bayer, 1987
1987

N^o 698

8
Madras Court of Small Causes
12th October 1885

From,

The Registrar
Madras Court of Small Causes

To,

The Chief Clerk,
Civil and Sessions Court,
Bangalore

Sir,

With reference to your letter, N^o 1599, dated 6th October 1885, I have the honor to inform you that the Nazir of this Court gets no remuneration other than his permanent pay of Rs. 70/. He does not supervise the cash transactions, for which there is a Special Officer called the Treasurer. The sales of this Court are conducted by Samuel Hashwood, a European Bailiff, and a sworn broker and appraiser, who is allowed a commission of one Anna per rupee on the sale moneys, he defraying the expenses connected with the sales.

Sales, such as advertisement
charges, catalogues, criers
fees &c. &c.

I have the honor &c.
/Signed/ J. M. Maskell
Registrar

Copyⁿ

H. K. K. K. K. K.

Chief Clerk

Madras Court of Small Causes
12th October 1885.

N^o 698

From,

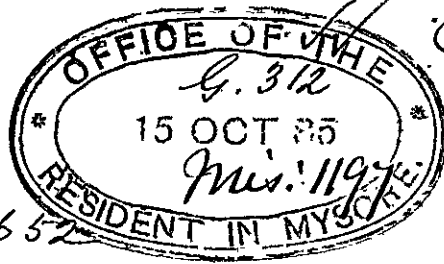
The Registrar
Madras Court of Small Causes.

To, The Chief Clerk,
Civil and Sessions Court,
Bangalore

Sir,

With reference to your letter, N^o 1599, dated 6th October 1885, I have the honor to inform you that the Valir of this Court gets no remuneration other than his permanent pay of Rs 70/. He does not supervise the cash transactions, for which there is a Special Officer called the Treasurer. The sales of this Court are conducted by Samuel Hashwood, a European Bailiff, and a sworn broker and appraiser, who is allowed a commission of one Anna per rupee on the sale money, he defraying the expenses connected with the sales.

Office
9.10.7-
15.10
81



9
Civil and Sessions Court.
Civil and Military Station
Bangalore 13th October 1885.
Enc-9.

From,

The Civil and Sessions Judge
Civil and Military Station
Bangalore.

To,

The Assistant
to the Resident
in Mysore,
Bangalore.

Sir,

I have the honor in submitting the accompanying petition from the Kargir of my Court for an allowance of Rs 20-0-0 per mensem to his pay of Rs 75-0-0 in consideration of his being deprived of Commission on Court sales to observe that when the new Proce^{ss} rules were promulgated by the Chief Commissioner in Notification No 261 of the 10th January 1880 abolishing the previous practice, it was provided by rule 6 that wherever the state of funds permitted an allowance, not exceeding Rs per 20-0-0 per mensem, might be assigned by the Judicial Commissioner to the Kargir for superintending the service and execution of all processes

7. The enclosures attached to the petition will

will shew that my predecessor Colonel Thomson had at one time intended to submit the application for favorable consideration; though its transmission was subsequently refused by his successor Colonel Clarke during the brief time he held Office on the ground that the *Mazir* is aided in this Court by an Assistant on ~~Ruppes~~ 25-"-."

3. The duties connected with the post are onerous and of a responsible character, as may be judged from the receipts during the year 1884 which amount to Rs 72,451-6-9 and disbursements to Rs 60,253-8-10.

4. The Process fees aggregate Rs 3,474-"-"- per annum against an expenditure of Rupees 960-"-"- only, leaving a clear balance of Rs 2,514-"-"- as profit to the State: therefore it will be seen that the condition of the funds fully permit of the charge, provided for in the rules, being incurred.

5. The accompanying copy of a letter received from the Registrar of ^{the} Small Cause Court at Madras shews that in that Court, the duties of which are greater than this, a Special Officer is employed as Treasurer in charge of all monetary transactions, and that the Court sales are conducted by a European Bailiff, Sworn broker and Appraiser, who is allowed a Commission of one anna per
rupee

rupee = $6\frac{1}{4}$ per cent. Were such Commissions given to the Nazir his profits would greatly exceed the small monthly allowance of Rs 20-0-0 now asked for from the proceeds of Process fees. Formerly when it ranged at 3 per cent it came usually to about Rs 50-0-0 per mensem.

6 I request therefore that you will be good enough to lay the proposal to give my Nazir a remuneration in the above form before the Resident for his favorable consideration.

7 I may add that the present incumbent is a man of fifteen years' service, and has held the same post for the last three years and a half to the satisfaction of the several Officers, who have presided over the Court. (Vide his Service Register enclosed for reference)

I have the honor to be

Sir,

your most obedient servant.

W. L. Mill
Civil and Sessions Judge.

B.

Resident's Office:

[DRAFT.]—For approval.

No. 2326 W.C.I.
554

Bangalore, the 19th Nov^r 1885. To

The Secretary to the Govt of India
Foreign Department.

Sir,

Serial N^o 9.

I have the honor to forward the accompanying copy of letter N^o 1652, dated 18th October 1885 from the Civil and Sessions Judge of the Civil and Military Station of Bangalore recommending the grant of an allowance of Rs 20/- per mensem to the Kazi of his Court in consideration of his having been deprived of the Commission on Court Sales which he was allowed to draw under the old Process Rules.

S 13 A

2. Para 6 of the Process Rules sanctioned by the Govt of India in Foreign Dept^t letter N^o 352, dated 30th December 1879, authorizes the assignment of an allowance not exceeding Rs 20/- per mensem to

SUBJECT.

Proceedings,

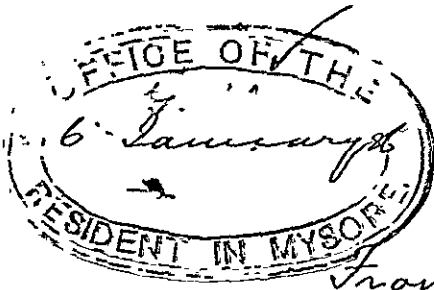
No.

2nd part
the Nazir for superintending the service
and execution of all processes provided, as is now the case,
the state of the funds permit. But as
the practice is not in force in Mysore
or in Madras and ^{as} section 5, ^{clause} 7
of Chapter 33, Civil Account Code, prohibits
cludes additions to pay or allowances
of any individual officer which ^{might} ~~would~~
produce inconvenience in other
provinces. ^{I reject the case in principle} I submit that His
Excellency the Governor General in
Council will be pleased to sanction
the grant of the allowance.

19.11.85 2122
19.11.85
I have &c

Offg. Resident.

14/ 18.11.85.



No. 4201 J.

11

9.14.86
26.1.86

To

The Junior Under Secretary to the
Government of India,
The Resident in Mysore.

Dated Fort William, the 31st December 1885.

Foreign Dept.

Internal. Sir,

I am directed to acknowledge
the receipt of your letter, No. ²³²⁶ 554, dated
the 19th November 1885, requesting sanction
to the grant of an allowance of Rs. 20/-
per mensem to the Nazir of the Court of
the Civil and Sessions Judge of Banga-
lore.

2. In reply I am to say that under
the rules sanctioned in the letter from
J 13 A this office No. 352. J.S. dated the 30th
December 1879, the Resident, as Judicial
Commissioner, is competent to sanction
the

the allowance in question; and the matter must therefore be disposed of by you.

3. I am to observe that the question is not one that can be referred, under the authority quoted in the second paragraph of your letter, for the consideration of the Government of India. The conditions of section 5 clause 7, chapter 33 of the Civil Accounts Code do not apply to allowances admissible under a rule already authorized by the Government of India, but only to allowances from Provincial revenues granted by a local Government on its own responsibility.

I have the honor to be,
Sir,
your most obed^t. servant


Junior Under Secretary
to the Gov^t of India.

J. H. B.

From,
Bangalore
To,

Junior Under Secretary
Foreign Office - Calcutta

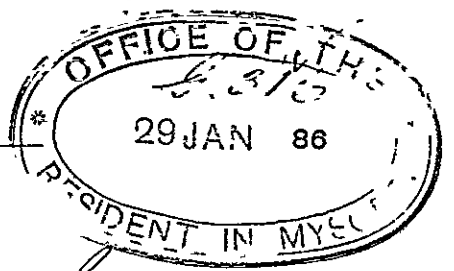
From,
Assistant Resident

N^o 62. your letter 4201J dated
31st December, please favour us with
copy of letter N^o 352 J. dated 30th December
1879, it is not in this office -

(signed) J. H. Newill
Assistant Resident.

M.H. 13.1.86

No 209 I



From

The Junior Under Secretary
to the Government of India..

J.H.U.
25.1.86

p.p. are used to
enable me to
understand this.

The Offg. Resident in
Mysore.

25.1.86.

Mercara.

Fort William, the 18th January 1886.-

Foreign excepts.
Internal. } Sir,

I am directed to acknowledge the receipt of your telegram dated the 13th January 1886, and in reply to forward a copy of this Office letter No 352 J.J. dated the 30th December 1879, to the Chief Commissioner Mysore, sanctioning the rules framed under Sections 20 & 22 of Act VIII of 1870 (The Court Fees Act).-

2 A copy of the Rules is also forwarded for facility of reference.-

I have the honor to be
Sir

Your most Obedt. Servant

Junior Under Secretary to the
Government of India

J.H.U.

Copy

No. 352-I.J.

FROM

THE UNDER-SECRETARY TO THE GOVERNMENT OF INDIA,

To

THE CHIEF COMMISSIONER OF MYSORE.

FORT WILLIAM, the 30th December 1879.

SIR,

FOREIGN DEPT.
Judicial.

I AM directed to acknowledge your Secretary's letter No. 4816-G.83, dated 17th September 1879, submitting two drafts of revised rules which you propose to issue under sections 20 and 22 of Act No. VII. of 1870 (the Court Fees Act).

2. In reply, I am to say that the Governor-General in Council approves and sanctions the rules with the following modifications:—

(a.) *Rules under Section 20.*—The words "having been," which precede the words "confirmed by the Chief Commissioner" in clause 2 of the preamble, to be omitted. The word *lower* to be substituted for "higher" in the passage in clause 4 quoted in the margin.
"shall not exceed one to three in the higher grade."

(b.) *Rules under Section 22.*—The words "have been," which precede the words "approved by the Chief Commissioner," in the preamble, to be omitted.

Rules 1 and 2 to be entirely omitted, as they relate to a matter which section 22 of the Act does not refer to. The necessary executive orders in regard to them may, however, be issued by you.

3. The omission in Schedule I of the rules, proposed by you under section 20, of any specific fee for warrants of sale is, I am to remark, understood by the Government of India to be intentional.

4. Copies of the rules as amended are forwarded herewith.

I have the honor to be,

SIR,

Your most obedient servant,

J. J. C. Plowden

Under-Secretary to the Govt. of India.

(True Copy)

Inspected

Supdt Foreign Dept

J. H. A.

(Copy)

The following Rules as to (1) the fees chargeable for serving and executing processes issued by the Civil Courts; and (2) the remuneration of the Deons and all other persons employed in the service or execution of processes, having been made by the Judicial Commissioner, and confirmed by the Chief Commissioner, and sanctioned by the Governor-General in Council, are hereby published under Section 20 of the Court Fees Act, 1870:-

1. For, and in respect of the service of a process issuing from the Court of a Munsiff, or Court of Small Causes, or any Court sitting as a Court of Small Causes, there shall be payable by the party, at whose instance such process is to be served, a fee of the amount specified in Schedule A¹, annexed to these Rules, and such process shall not be served or executed, until such fee shall have been duly paid.

For

2 For, and in respect of the service or execution of a process issuing from any Civil Court in the Province of Mysore, above the grade of a Munsiff's Court, there shall be payable by the party, at whose instance such process is to be served, a fee of the amount specified in Schedule A-II, attached to these Rules, and such process shall not be served or executed unless—such fee shall have been duly paid.

3. All processes shall be served or executed by a separate establishment, which shall consist of Amins and Peons.

4. There shall be two grades of Amins, remunerated by salaries of Rs 16 and 14 respectively, and two grades of Peons, remunerated by salaries of Rs 8 and 7 respectively. There shall be, at least, one Amin of the higher grade, and one Peon of the higher grade, attached to the Court of the District Judge. The proportion of Amins in the higher grade in the other Courts of the district, shall not exceed one

one to two in the lower grade, and the proportion of peons in the higher grade shall not exceed one to three in the lower grade. The Amins and Peons of the higher grade shall be divided among the Courts of the district in the same proportion, viz, whenever there are attached three Amins to any Court, one of them shall be of the higher grade, and where there are four or more than four Peons attached to any Court, one of every four Peons shall be of the higher grade. In exceptional cases, and with the previous sanction of the Judicial Commissioner, travelling allowance may be given in addition to salary:-

5. Should the amount of fees levied under these Rules in any Court, not be equal to the amount of the expenditure incurred in remuneration of process servers, the Judicial Commissioner may, at all times, reduce the rates of remuneration allowed by the preceding Rule.-

6. The establishment of Amins and

and fees, and the service and execution of all processes shall be subject to the superintendence of the Nazir of each Court, and it shall be lawful to the Judicial Commissioner, where the state of the funds permit, to assign an allowance not exceeding Rs 20/- per mensem, to such Nazir, as remuneration for his superintendence

Schedule No. I.

In the District Court and in Courts of Small Causes

- | | Rs | As | P |
|--|----|----|---|
| 1. Summons to defendant | 4 | 8 | 0 |
| and for every additional defendant,
if applied for at the same time
and if defendant resides in the
same neighbourhood | 4 | 4 | 0 |
| 2. Summons to a witness | 4 | 8 | 0 |
| and for every additional witness,
if applied for at the same time
and if the witness resides in
the same neighbourhood | 4 | 4 | 0 |
| 3. Warrant of arrest | 1 | 0 | 0 |
| 4. Proclamation of attachment or sale | 4 | 8 | 0 |
| 5. Warrant of attachment of moveable
or immovable property | 1 | 0 | 0 |

As a h

6. Warrant of delivery of possession of
property, movable or immovable
If no attachment has taken place... The fee for attach-
ment of said
property. -

If attachment has taken place

For movable property " — 8 — "

For immovable property 1 — " — "

7. Injunction, order, or notice, not
otherwise provided for " — 8 — "

N.B. — (1) When it is found necessary to employ
more than one Amin or Beon (as for instance,
where property is situated in different
places) double fees are to be charged. —

(2) When it is necessary to appoint
a custodian of the property attached under
Section 269 of the Civil Procedure Code, —
an additional fee at the same rate
shall be levied from the party on
whose application the warrant was issued
at the end of five days, and for every
additional period of five days or less, during
which the property is kept under attach-
ment. —

Schedule II.

In Courts above the grade of a Justice Court

1. Summons or notice to defendant & a. p.
or respondent. 1—4—4

And for every additional
defendant or respondent,
if applied for at the
same time, and if defendant
or respondent resides in the
same neighbourhood. "—8—"

2. Summons to a witness 1—4—4

And for every additional ^{witness} if
applied for at the same
time, and if witness resides
in the same neighbourhood "—8—"

3. Warrant of arrest 2—4—4

4. Proclamation of attachment or sale 1—4—4

5. Warrant of attachment of movable
or immovable property 2—4—4

6. Warrant of delivery of possession
of property (movable or immovable) . . .

If no attachment has taken place . . . The fee for

If attachment has taken place . . . of said property

For movable property 1—4—4

For immovable property 2—4—4

7. Injunction, order or notice, not otherwise
provided for 1—4—4

N.B.-(1). When it is found necessary to employ more than one Amin or Leon (as, for instance, where property is situated in different places) double fees are to be charged.-

(2) When it is necessary to appoint a custodian of the property attached under Section 269 of the Civil Procedure Code, an additional fee at the same rate shall be levied from the party on whose application the warrant was issued at the end of 10 days, and for every additional period of 10 days or less, during which the property is kept under attachment.-

The following Rules as to the number of officers to be employed for the service and execution of processes have been made by the Judicial Commissioner under Section 22 of the Court Fees Act, 1870, and approved by the Chief Commissioner and Governor General in Council:-

1. The District Judge shall ascertain the average number of processes issued from his own Court and from each of the

the Courts subordinate to him, required to be executed by Amins and Beons, respectively—under these Rules during the three years last past, or during any lesser period that may be specified by the Judicial Commissioner.—

2. The Amins and Beons to be employed in each Court shall be in number sufficient for the execution of a like number of processes, each Amin being for this purpose considered capable of executing one hundred processes annually, and each Beon capable of executing three hundred processes in the Munsiff's Courts, and two hundred in the Courts of higher grades: provided that the Judicial Commissioner may, on sufficient cause shown, and with reference to the peculiar circumstances of any Court, modify the rate above mentioned with regard to such Courts.—

3. When it appears to the District Judge that the number of processes issued out of any Court has increased so as to render an increase of establishment necessary, he shall be competent to make the requisite increase in the number of Amins

Amins or Peons; and if there shall be a diminution of processes and if he shall be satisfied that the processes of any Court can be executed by a smaller number of Amins or Peons, or if it appears that the costs and charges exceed the receipts it shall be his duty to make a reduction accordingly: provided that intimation of all changes effected under this Rule shall be reported to the Judicial Commissioner for sanction, and that all extra officers appointed shall be placed on the temporary establishment, until such time as it is evident that it is necessary to place them on the ordinary establishment. -

4. It shall also be competent to the Judge of any Court to appoint special Peons for the service or execution of any individual process, or for the custody of property attached, when the work cannot be performed by the ordinary establishment without unreasonable delay. - Such special Peons shall be remunerated at the rate of 4 annas per diem. -
(True Copy)

JY An

Indicating
Supdt. Foreign Dep't

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[DRAFT.]—For approval.

No. $\frac{354}{554}$ Dated, 16th February 1886.
Recd 18th — Do —

To.

Pro. of the Offg. Resident in Mysore.

Read

Letter No. 1652 d/ 13th October/85,
from the Civil & Sessions Judge of the
Civil and Military Station of
Mangalore, submitting with his support
an application from the Magr of the
Civil & Sessions Court, praying that
he may be granted an allowance of
Rs. 20 p.m. for superintending the
service and execution of all processes.

Order No. $\frac{354}{554}$ Dated Mysore 16th Feb/86.

Under the provisions of rule 6
of the rules promulgated under Statute
No. 261 of 10th January 1880, the Offg.
Resident is pleased to sanction, with
effect from the 1st February 1886, a
monthly allowance of Rs. 20 p.m.,
to the Magr of the Civil & Sessions Court
of the Civil and Military Station
of Mangalore, to be paid from the receipts
of the Process Fees collected in that Court.

J. H. U.

Offg. to the Resident

To, The Civil & Sessions Judge, Civil & M.
" Accountant General, Madras

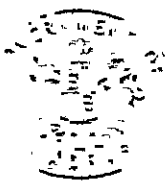
19/2. M.H.

This order is not to be
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N^o 74.1 * OFFICE OF THE Civil and Sessions Court,
 15 APR 86 Civil and Military Station
 Bangalore 13th April 1886
 RESIDENT IN MYSORE

From, The Civil and Sessions Judge
 Civil and Military Station,
Bangalore.

To, The Assistant
 to the Resident in Mysore,
Bangalore.

Sir,

I have the honor to request that you will
 be so good as to return the Service Register of
 the Judges of my Court submitted with this
 Office Letter N^o 1652 dated 13th October 1885.

I have the honor to be,

Sir,

Your most obedient servant.

Will
 Civil and Sessions Judge

RESIDENT'S OFFICE.

Serial No.

16

[DRAFT.]—For approval.

No. $\frac{1074}{5345}$ Enc 1.

Dated, 20th April 1886.

To. The Civil and Sessions Judge,
at the Station of Bangalore,

Sir,

With reference to your letter
No. 741 dated 13th Instant, I am
directed to return herewith, ^{as requested,} the
Service Register of T. G. Mahasamudra
Pillay, Nazir of your Court, which
was forwarded to this Office with
your letter No. 1652 dated 13th October
1885.

I have, Sir,

[Signature]
Asst. to the Resident

A.L.
17-4-86. A.L.

Sl. No. 15

Enc to Sl. No. 9

Sl. No. 9.